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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	A. Sood, et al.	Group Art Unit:	1645
Serial Number:	10/651,582	Examiner:	To be assigned
Filing Date:	August 29, 2003	Docket No.:	PB0271
Title:	Analyte Detection	Confirmation No.:	8994

**REPLY TO RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

Office of Initial Patent Examination  
Filing Receipt Corrections  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

August 30, 2004

Sir:

In connection with the above identified application, Applicants are in receipt of the "Response to Request for Corrected Filing Receipt" having a mailing date of August 18, 2004, a copy of which is enclosed herewith. The notice indicates that the "Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification."

Applicants respectfully point out that there is no continuity claim and that the claim is simply by benefit of the earlier filing date. Additionally, Applicants point out that an amendment to the first page of the specification was filed on June 25, 2004. Attached hereto please find a copy of the First Preliminary Amendment having three (3) pages and a copy of the return postcard stamped received by the OIPE of the United States Patent and Trademark Office on June 28, 2004.

Therefore, Applicants respectfully request the following correction to be made as follows:

In the "Domestic Priority data as claimed by applicant" section, please add the following two United States patent applications with their filing dates as follows:

This appln claims benefit of 60/406,892 08/29/2002  
and claims benefit of 60/406,893 08/29/2002  
and claims benefit of 60/406,894 08/29/2002  
and claims benefit of 10/230,576 08/29/2002  
and claims benefit of 10/358,818 02/05/2003  
and is a CIP of 10/113,030 04/01/2002  
and is a CIP of 10/113,025 04/01/2002  
which claims benefit of 60/315,798 08/29/2001

Attached is a marked up copy of the Filing Receipt having a mailing date of August 4, 2004, as required. Also attached is a copy of the Revised Declaration and Power of Attorney having five (5) pages.

Kindly forward the undersigned a Corrected Filing Receipt.

Any further questions can be referred to the undersigned.

Respectfully submitted,

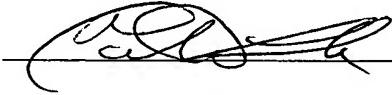


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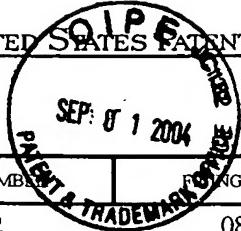
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Office of Initial Patent Examination, Filing Receipt Corrections, P.O. Box 1450, Alexandria, Virginia 22313-1450, on August 30, 2004.

Signature: 

Name: Melissa Leck



## UNITED STATES PATENT AND TRADEMARK OFFICE

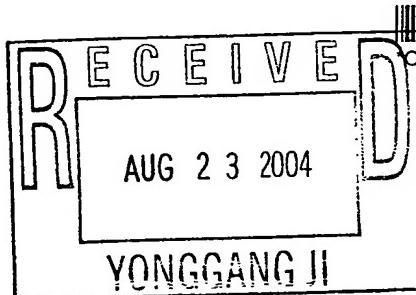


UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/651,582	08/29/2003	Anup Sood	PB0271

## CONFIRMATION NO. 8994

22840  
AMERSHAM BIOSCIENCES  
PATENT DEPARTMENT  
800 CENTENNIAL AVENUE  
PISCATAWAY, NJ 08855



Date Mailed: 08/18/2004

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

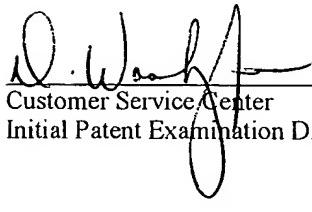
## Domestic Continuity and Foreign Priority

COPY

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
- Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.
- A claim for priority cannot be made based on an application filed after the application making the claim.
- Domestic benefit and foreign priority claims will not be captured in a provisional application. A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).
- A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.
- Foreign priority will appear on the Filing Receipt in the following order: **Country, Application number, Filing date.**
- This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

- The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority.
- To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

COPY



Our Reference Number: P80271  
Serial Number: 10/651,582  
Filing Date: August 29, 2003



The USPTO acknowledges and has stamped hereon the date of receipt  
of the items checked below.

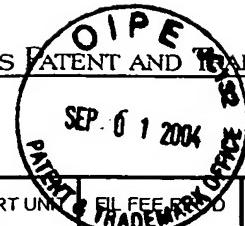
- Specification - \_\_\_\_ pgs.
- Claims - \_\_\_\_ pgs.
- Abstract - 1 pg.
- Drawings - \_\_\_\_ sheets (formal)
- Filing Fee - \$ \_\_\_\_ (Dep. Acct.)
- Certificate of Mailing by Express Mail
- Certificate of Mailing by First Class Mail
- Signed + Unsigned Declaration/Power of Attorney *Revised* *SP95*
- Assignment
- Recordation Form Cover Sheet (w/copy)
- Recordation Fee - \$ \_\_\_\_ (Dep. Acct.)
- Notification of Missing Parts (copy)
- Missing Parts Fee - \$ \_\_\_\_ (Dep. Acct.)
- Transmittal Letter (w/copy)
- Information Disclosure Statement w/ ~~no~~ refs. *SP95*
- PTO-1449 - 2 pgs.
- Response to \_\_\_\_\_ Office Action - \_\_\_\_ pgs.
- Petition for Extension of \_\_\_\_ months time (w/copy)
- Extension of Time Fee - \$ \_\_\_\_ (Dep. Acct.)
- Issue Fee - \$ \_\_\_\_ (Dep. Acct.)
- Transmittal of Payment of Issue Fee (w/copy)
- Part B - Fee(s) Transmittal (w/copy)
- Fee Address Indication Form
- Publication Fee - \$ \_\_\_\_ (Dep. Acct.)
- Petition Fee - \$ \_\_\_\_ (Dep. Acct.)
- Notice of Appeal (w/copy)
- Appeal Fee - \$ \_\_\_\_ (Dep. Acct.)
- Appeal Brief in triplicate - \_\_\_\_ pgs.
- Transmittal of Appeal Brief (w/copy)
- PCT Request - \_\_\_\_ pgs.
- PCT Fee Calculation Sheet
- PCT Easy file on diskette
- PCT General Power of Attorney (copy)
- Published PCT application (copy)
- Int'l Preliminary Exam. Report (copy)
- Int'l Search Report (copy)
- Sequence Listing printed version - \_\_\_\_ pgs.  
(w/required statements - \_\_\_\_ pgs.)
- Sequence listing on 4 CDs / 1 diskette
- First Preliminary Amendment - 3 pgs.
- Request for Corrected Filing Receipt - \_\_\_\_ pgs.  
(w/marketed-up copy of filing receipt dated \_\_\_\_\_)
- 
- 

Attorney: Y. Ji

Date Mailed: June 25, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE



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Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE RECEIVED	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/651,582	08/29/2003	1645	1278	PB0271	3	40	5

CONFIRMATION NO. 8994

22840  
AMERSHAM BIOSCIENCES  
PATENT DEPARTMENT  
800 CENTENNIAL AVENUE  
PISCATAWAY, NJ 08855

## FILING RECEIPT



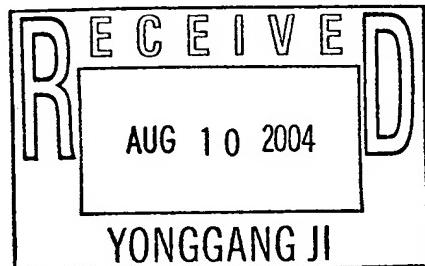
\*OC000000013430215\*

Date Mailed: 08/04/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Anup Sood, Flemington, NJ;  
Shiv Kumar, Belle Mead, NJ;  
Carl Fuller, Berkeley Heights, NJ;  
John Nelson, Hillsborough, NJ;



## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/406,892 08/29/2002  
and claims benefit of 60/406,893 08/29/2002  
and claims benefit of 60/406,894 08/29/2002  
and is a CIP of 10/113,030 04/01/2002  
and is a CIP of 10/113,025 04/01/2002  
which claims benefit of 60/315,798 08/29/2001

and claims benefit of 10/230,576 08/29/2002  
and claims benefit of 10/358,818 04/05/2003

## Foreign Applications

If Required, Foreign Filing License Granted: 08/03/2004

Projected Publication Date: 11/11/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Analyte detection

**Preliminary Class**

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related application(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time; if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).